

The Honorable Tana Lin

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

PLAINTIFFS,

v.

U.S. DEPARTMENT OF
TRANSPORTATION et al.,

DEFENDANTS.

NO. 2:25-cv-00848-TL

DECLARATION OF JAMES
O'DEA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

1 I, James O'Dea, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that
 2 the foregoing is true and correct:

3 1. I am a resident of the State of California. I am over the age of 18 and have
 4 personal knowledge of all the facts stated herein, except to those matters stated upon
 5 information and belief; as to those matters, I believe them to be true. If called as a witness, I
 6 could and would testify competently to the matters set forth below.

7 2. I am currently employed by the California Department of Transportation
 8 (Caltrans) as Assistant Deputy Director, Transportation Electrification.

9 3. Caltrans is responsible for managing California's highway and inter-city rail
 10 programs and supporting public transportation throughout the state.

11 4. As Assistant Deputy Director, I serve as Caltrans's lead staff on issues related to
 12 zero-emission vehicles and manage federal funding received by Caltrans for electric vehicle
 13 charging infrastructure. My knowledge of the federal funding received by Caltrans is based on
 14 my review of agreements, authorizations, and communications with my staff and programs
 15 within the department. It is within the course of my duties to coordinate with Caltrans Division
 16 of Local Assistance staff (DLA staff) responsible for interpreting and administering programs,
 17 policies, and procedures required to oversee Federal-aid and state funded local transportation
 18 projects. DLA staff has access to Federal Aid Data System or "FADS." My knowledge
 19 includes matters relayed to me by DLA staff, along with Caltrans staff from other divisions
 20 assigned to the federal programs discussed herein, with whom I have consulted. It is also
 21 within the course of my duties to coordinate with staff at the California Energy Commission
 22 (CEC staff) responsible for managing contracts with awardees under the National Electric
 23 Vehicle Infrastructure (NEVI) Formula Program.

24 5. I have reviewed the Declaration of Dee Lam, Caltrans's DLA Chief, in support
 25 of Plaintiffs' Motion for a Preliminary Injunction, which describes the NEVI Formula Program
 26 and the interagency agreement between Caltrans and the CEC to jointly administer the NEVI

Formula Program. I have also reviewed the February 6, 2025, letter from the Federal Highway Administration (FHWA) revoking state NEVI plans and suspending new obligations.

6. Based on my communications with CEC staff, I understand that site hosts for NEVI-funded EV charging projects have, since the February 6 letter, become unwilling to sign agreements with NEVI awardees based on doubt that chargers funded under the NEVI Formula Program will be installed in a timely manner. CEC staff have indicated that of the 58 sites awarded funding in California's first NEVI solicitation, site hosts at 21 of the locations (listed in the table below) are holding off from signing agreements with awardees until federal funding is available for obligation. These 21 sites are otherwise ready to move forward with development of the charging stations. Projects at these 21 sites represent an estimated \$7,431,185 in federal funding under the NEVI Formula Program.

Awardee	Location	Estimated Federal Funding for Site	Site Details
Sustainable Energies CA LLC	1496 Carrizo Gorge Rd, Jacumba Hot Springs, CA 91934	\$372,000	4 ports, 200 kW/port; site is approximately 0.1 miles from Interstate 8 at a Chevron gas station
Sustainable Energies CA LLC	9225 Clairemont Mesa Blvd, San Diego, CA 92123	\$372,000	4 ports, 200 kW/port; site is approximately 0.6 miles from Interstate 15 at the County of San Diego Assessor's Office
Sustainable Energies CA LLC	41000 California Oaks Rd, Murrieta, CA 92562	\$372,000	4 ports, 200 kW/port; site is approximately 0.2 miles from Interstate 15 at the Cal Oaks Plaza
Sustainable Energies CA LLC	930 Dennery Rd, San Diego, CA 92154	\$372,000	4 ports, 200 kW/port; site is approximately 0.8 miles from Interstate 805 at the Paradise Buffet
Sustainable Energies CA LLC	12980 Foothill Blvd, Sylmar, CA 91342	\$300,000	4 ports, 200 kW/port; site is approximately 0.5 miles from Interstate 210 at a Starbucks

Awardee	Location	Estimated Federal Funding for Site	Site Details
Sustainable Energies CA LLC	40375 Murrieta Hot Springs Rd, Murrieta, CA 92563	\$300,000	4 ports, 200 kW/port; site is approximately 0.2 miles from the Murrieta Town Center shopping center
Sustainable Energies CA LLC	454 North H Street, San Bernardino, CA 92410	\$300,000	4 ports, 200 kW/port; site is approximately 0.1 miles from Interstate 215 at a Panda Express
Sustainable Energies CA LLC	10310 Sepulveda Blvd, Mission Hills, CA 91345	\$300,000	4 ports, 200 kW/port; site is approximately 0.3 miles from Interstate 405 at the Olivo at Mission Hills shopping center
Sustainable Energies CA LLC	4403 S Figueroa St, Los Angeles, CA 90037	\$300,000	4 ports, 200 kW/port; site is approximately 0.2 miles from Interstate 110 at a Shell gas station
Sustainable Energies CA LLC	233 N Harbor Blvd, San Pedro, CA 90731	\$300,000	4 ports, 200 kW/port; site is approximately 0.3 miles from Interstate 110 at the Harbor Beacon shopping center
Sustainable Energies CA LLC	1201 S Fremont Ave, Alhambra, CA 91803	\$300,000	4 ports, 200 kW/port; site is approximately 0.8 miles from Interstate 10 at a Kohl's
Sustainable Energies CA LLC	590 Long Beach Blvd, Long Beach, CA 90802	\$300,000	4 ports, 200 kW/port; site is approximately 0.8 miles from Interstate 710 at a Panda Express
Sustainable Energies CA LLC	1114 Huntington Dr, Duarte, CA 91010	\$300,000	4 ports, 200 kW/port; site is approximately 0.6 miles from Interstate 210 at the Duarte Retail Center
Sustainable Energies CA LLC	11037 Rosecrans Ave, Norwalk, CA 90650	\$300,000	4 ports, 200 kW/port; site is approximately 0.6 miles from Interstate 605 at the Rose Plaza

Awardee	Location	Estimated Federal Funding for Site	Site Details
Skychargers, LLC	6437 W Banner St, Lodi, CA 95242	\$358,932	6 ports, 200 kW/port; site is approximately 0.4 miles from Interstate 5 at a Shell gas station
Skychargers, LLC	10424 Trinity Parkway, Stockton, CA 95219	\$478,575	8 ports, 200 kW/port; site is approximately 0.7 miles from Interstate 5 at a Target
Skychargers, LLC	12754 CA-33, Gustine, CA 95322	\$239,288	4 ports, 200 kW/port; site is approximately 0.1 miles from Interstate 5 at a Valero gas station
Skychargers, LLC	73 Frazier Mountain Park Rd, Lebec, CA 93243	\$312,195	8 ports, 200 kW/port; site is approximately 0.3 miles from Interstate 5 at a Jack in the Box
Skychargers, LLC	27923 Sloan Canyon Rd, Castaic, CA 91384	\$312,195	8 ports, 200 kW/port; site is approximately 0.2 miles from Interstate 5 at the Castaic Town Center shopping center
Skychargers, LLC	1631 Comanche Dr, Bakersfield, CA 93307	\$414,000	6 ports, 200 kW/port; site is approximately 0.1 miles from State Route 58 at the Country Market
Skychargers, LLC	5852 CA-58, Boron, CA 93596	\$828,000	12 ports, 200 kW/port; site is less than 0.1 miles from U.S. Route 395 at a Chevron gas station

7. Ms. Lam's declaration describes Caltrans's attempt to submit an authorization request for construction related to a Tesla charging station in San Diego, California and FHWA's communications explaining why the request would not be processed in FADS. That request was California's first request for authorization for construction activities for a NEVI-funded project.

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8. Since the submission of that request on March 28, other NEVI-funded charging stations have progressed towards their construction phases. Specifically, Caltrans is preparing to submit authorization requests for construction at five sites as listed in the table below. These five sites will support 101 ports, representing 20 percent of the 516 ports awarded in California's first NEVI solicitation. However, Caltrans is unable to submit any of these authorization requests in FADS due to FHWA's suspension of new obligations.

Awardee	Location	Estimated Federal Funding for Site	Site Details
Zero6 EV Charging CA LLC	25430 West Dorris Ave, Coalinga, CA 93210	\$825,000	11 ports, 200 kW/port; site is approximately 0.5 miles from Interstate 5 at an Arco gas station
Skychargers, LLC	APN 255-182-31 off Lebec Rd (34.823730, -118.880460)	\$2,341,464	60 ports, 200 kW/port; site is approximately 0.6 miles from Interstate 5 at a new build site
Skychargers, LLC	9615 W Taron Dr, Elk Grove, CA 95757	\$239,288	4 ports, 200 kW/port; site is approximately 0.4 miles from Interstate 5 at a Chevron gas station
Skychargers, LLC	2965 Annamarie Ave, Patterson, CA 95363	\$358,932	6 ports, 200 kW/port; site is approximately 0.4 miles from Interstate 5 at an Exxon Mobil gas station
Skychargers, LLC	65845 Cima Rd, Nipton, CA 92364	\$1,196,439	20 ports, 200 kW/port; site is approximately 0.1 miles from Interstate 15 at a Shell gas station

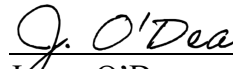
9. A true and correct redacted copy of Caltrans's request for authorization for construction of the Tesla San Diego charging station is attached as Exhibit 1. The submission consists of several fields in the FADS portal describing the project and its funding, along with attachments detailing the project budget, any applicable environmental reviews, a right-of-way

1 certification, and detailed site plans and technical schematics for the charging station. Exhibit 1
2 has redacted identifying information for agency staff.

3 10. The information in this submission allows FHWA to ensure, prior to authorizing
4 the obligation of funds and entering into a project agreement, that the charging station project
5 complies with the minimum standards for NEVI-funded charging infrastructure in 23 C.F.R.
6 Part 680 (NEVI Standards and Requirements) and other applicable FHWA regulations.

7
8 I declare under penalty of perjury under the laws of the United States that, to the best of
9 my knowledge, the foregoing is true and correct.

10
11 DATED this 3rd day of June, 2025, at Oakland, California.

12
13 
14 James O'Dea